

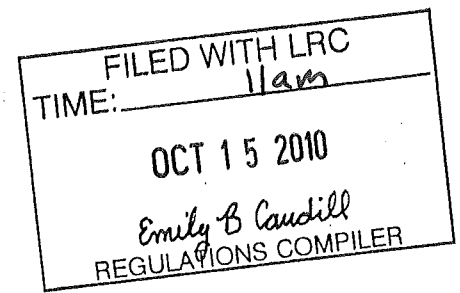
301 KAR 2:221

Waterfowl seasons and limits

This administrative regulation establishes waterfowl seasons and bag limits within federal migratory bird hunting frameworks established in 50 CFR Parts 20 and 21 according to the U.S. Fish and Wildlife Service (USFWS).

Significant Changes

Each fall the USFWS issues a federal mandate establishing the framework for waterfowl hunting seasons. This amendment reflects the federal mandate regulations for waterfowl hunting under guidance of the Migratory Bird Treaty Act. Federal frameworks permit a maximum 60-day season in the Mississippi Flyway. Kentucky will split duck season in 2010, using four days to accommodate hunters during the Thanksgiving weekend with the remaining 56 days open through the last Sunday in January as specified in the federal frameworks. In 2010, the bag limits on hen mallards and pintails will be two (2) birds per day for the entire duck season.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:221. Waterfowl seasons and limits.

5 RELATES TO: KRS 150.010(40), 150.025(1), 150.305(1), 150.330, 150.340(1), (3), 150.990

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.360, 150.600(1), 50 C.F.R. 20, 21

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department

8 to promulgate administrative regulations to establish open seasons for the taking of wildlife and

9 to regulate bag limits. KRS 150.360 authorizes the department to restrict methods of taking

10 wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public

11 and private land. This administrative regulation establishes procedures for the taking of

12 waterfowl within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20

13 and 21.

14 Section 1. Definitions. (1) "Dark goose" means a Canada goose, white-fronted goose, or brant.

15 (2) "Light Goose" means a snow goose or Ross's goose.

16 (3) "Light Goose Conservation Order" is defined by 50 C.F.R. 21.60

17 (4) "Waterfowl" is defined in KRS 150.010(40).

18 Section 2. (1) Except as authorized by 301 KAR 2:222, 2:225, or 2:226, a person shall not hunt

19 waterfowl except during the seasons established in this administrative regulation.

20 (2) Hunting zones, special hunt areas and reporting areas are established in 301 KAR 2:224.

Section 3. Season dates. (1) Duck, coot, and merganser:

(a) Beginning on Thanksgiving Day for four (4) consecutive days; and

(b) For fifty-six (56) consecutive days ending on the last Sunday in January of the following year.

(2) Canada goose:

(a) Eastern, Pennyrile, and Western Goose Zones, beginning on November 23 for seventy (70) consecutive days.

(b) Northeast Goose Zone;

1. Beginning on the last Saturday in December [~~Saturday following Christmas~~] for nine (9) consecutive days; and

2. [~~Beginning on~~] January 19 through January 31. [~~for thirteen (13) consecutive days.~~]

(3) White-fronted and brant geese, beginning on November 23 for seventy (70) consecutive days.

(4) Light goose:

(a) Beginning on November 23 for seventy (70) consecutive days; and

(b) Light Goose Conservation Order season:

1. Western Duck Zone: from February 1 through March 31, except:

a. The season shall be closed during the first full weekend in February; and

b. Youth hunters may hunt during the first full weekend in February pursuant to 301 KAR 2:226.

~~[5 and February 8 through March 31.]~~

2. Eastern Duck Zone from February 1 through March 31.

(5) A person shall not hunt a light or dark goose in:

(a) The areas of Laurel River Lake as posted by sign; or

(b) Cave Run Lake and the public land inside the boundary formed by Highways 801, 1274, 36,

211, US 60, and Highway 826.

Section 4. In the Ballard Reporting Area that is established in 301 KAR 2:224:

(1) A person hunting waterfowl shall:

(a) Hunt from a blind unless hunting in flooded, standing timber;

(b) Not hunt from or establish a blind:

1. Within 100 yards of another blind; or

2. Within fifty (50) yards of a property line; and

(c) Not possess more than one (1) shotgun while in a blind.

(2) The requirements of subsection (1) of this section shall not apply if the Light Goose Conservation Order, as established in 301 KAR 2:221, is the only waterfowl season open, excluding falconry seasons.

Section 5. Bag and Possession Limits. (1) Ducks: The daily limit shall be six (6), that shall not include more than:

(a) Four (4) mallards;

(b) Two (2) hen mallards; [~~One (1) hen mallard~~];

(c) Three (3) wood ducks;

(d) One (1) black duck;

(e) Two (2) redheads;

(f) Two (2) pintails; [~~One (1) pintail~~];

(g) Two (2) scaup;

(h) One (1) mottled duck; or

(i) One (1) canvasback.

(2) Coot: Daily limit fifteen (15).

(3) Merganser: Daily limit five (5), which shall not include more than two (2) hooded mergansers.

(4) Dark goose: Daily limit six (6), that shall not include more than:

(a) Two (2) Canada geese;

(b) Two (2) white-fronted geese; or

(c) Two (2) brants.

(5) Light goose: Daily limit twenty (20), except that there shall not be a limit during the Light Goose Conservation Order season.

(6) The possession limit shall be double the daily limit, except that there shall not be a light goose possession limit.

Section 6. Shooting Hours. A person shall not hunt waterfowl except from one-half (1/2) hour before sunrise until:

(1) 2 p.m. in the Northeast Goose Zone during a Canada goose season;

(2) Sunset in the remainder of the state, except as specified in 301 KAR 2:222; or

(3) One-half (1/2) hour after sunset if hunting light goose during the Light Goose Conservation Order season.

Section 7. Falconry Waterfowl Season and Limits. (1) Season dates:

(a) Light goose: November 5 through January 31;

(b) Light Goose Conservation Order season:

1. Western Duck Zone: from February 1 through March 31, except:

a. The season shall be closed during the first full weekend in February; and

b. Youth hunters may hunt during the first full weekend in February pursuant to 301 KAR 2:226.

~~[February 5 and February 8 through March 31.]~~

2. Remainder of state: from February 1 through March 31; and

(c) Other waterfowl: November 5 through January 31.

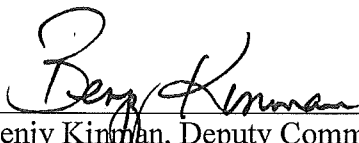
(2) Daily limit: three (3) waterfowl, except that there shall not be a limit on light goose during the Light Goose Conservation Order season.

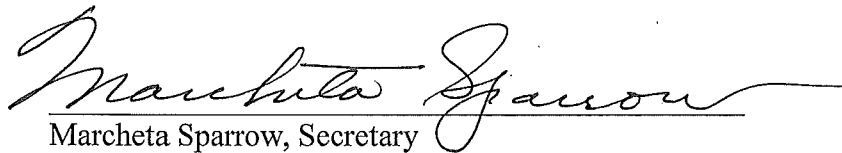
(3) Possession limit: six (6) waterfowl, except that there shall not be a possession limit on light goose during the Light Goose Conservation Order season.

Section 8. Permit for the Light Goose Conservation Order season. (1) A person hunting light goose during the Light Goose Conservation Order season shall first obtain a free permit from the department by contacting the Ballard WMA office.

(2) A person hunting light goose during the Light Goose Conservation Order season shall submit a Light Goose Conservation Order report to the department by April 10.

Approved by the Fish and Wildlife Commission August 13, 2010.

 10/11/10
Benjy Kimman, Deputy Commissioner, for
Dr. Jonathan Gassett, Commissioner
Department of Fish and Wildlife Resources


Marcheta Sparrow, Secretary
Tourism, Arts and Heritage Cabinet

10-12-10
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 22, 2010, at 2 p.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by November 30, 2010.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-9136

Regulatory Impact Analysis and Tiering Statement

301 KAR 2:221. Waterfowl Seasons and Limits.

Contact Person: Rose Mack

- (1) Provide a brief summary of:
 - (a) What the administrative regulation does: This administrative regulation establishes waterfowl seasons and bag limits within federal migratory bird hunting frameworks established in 50 CFR Parts 20 and 21 according to the U.S. Fish and Wildlife Service (USFWS).
 - (b) The necessity of the administrative regulation: The necessity of this administrative regulation is to establish the 2010–11 waterfowl hunting seasons in accordance with the USFWS.
 - (c) How does this administrative regulation conform to the authorizing statute: KRS 150.025 authorizes the department to establish hunting season dates and bag limits. KRS 150.360 authorizes the department to restrict methods for the taking of wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public and private land.
 - (d) How will this administrative regulation assist in the effective administration of the statutes: By establishing waterfowl hunting seasons and area-specific requirements, this administrative regulation is maintaining and managing waterfowl conservation efforts consistent with national and international management goals
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change the existing administrative regulation: Each fall the USFWS issues a federal mandate establishing the framework for waterfowl hunting seasons. This amendment reflects the federal mandate regulations for waterfowl hunting under guidance of the Migratory Bird Treaty Act. Federal frameworks permit a maximum 60-day season in the Mississippi Flyway. Kentucky will split duck season in 2010, using four days to accommodate hunters during the Thanksgiving weekend with the remaining 56 days open through the last Sunday in January as specified in the federal frameworks. In 2010, the bag limits on hen mallards and pintails will be two (2) birds per day for the entire duck season.
 - (b) The necessity of the amendment to this administrative regulation: The necessity of the amendment to this administrative regulation is to implement the federal mandate from the USFWS and continue efforts to increase quality hunting opportunity for waterfowl and migratory game birds.
 - (c) How does the amendment conform to the authorizing statutes: See (1)(c) above.
 - (d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.
- (3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: There are approximately 20,000 waterfowl hunters in Kentucky that may be affected by this administrative regulation.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The current changes in season dates and/or bag limits will be published in the fall waterfowl hunting guide and on the department's website. Hunters will have to review the hunting guide or website for the updated information to hunt legally during the specified season.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs to those identified in question (3).
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be continued opportunity to hunt waterfowl in the state.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: This administrative regulation change will result in no initial change in cost to the Kentucky Department of Fish and Wildlife Resources to administer.
 - (b) On a continuing basis: There will be no additional cost on a continuing basis.
- (6) What is the source of funding to be used for implementation and enforcement of this administrative regulation? The source of funding is the State Game and Fish fund.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. It will not be necessary to increase any other fees or funding to implement this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees: No new fees will be established.
- (9) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering was not applied. The same guidelines and limits apply to all waterfowl hunters.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 301 KAR 2:221

Contact Person: Rose Mack

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife. KRS 150.360(1) authorizes the department to promulgate administrative regulations to restrict the methods for the taking of wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public and private land. States must adhere to 50 C.F.R. Parts 20 and 21 that establishes the U.S. Fish and Wildlife Service's Federal migratory bird hunting frameworks.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Wildlife and Fisheries, Federal Code of Regulations, 50 CFR Part 20, Migratory Bird Hunting; Part 21, Migratory Bird Permits.
2. State compliance standards. The Department of Fish and Wildlife Resources sets migratory birds seasons which are within the frameworks established by the U.S. Fish and Wildlife Service and published in 50 CFR Part 20, 21.
3. Minimum or uniform standards contained in the federal mandate. 50 CFR Part 20 contains season frameworks for the following: earliest opening and latest closing date, maximum number of days a species is open to hunting, and daily bag and possession limits. 50 CFR Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during and after periods open for hunting.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The federal mandate defines the regulatory limits that a state may permit. States are permitted to be more restrictive but not more liberal in their respective regulations. State waterfowl population migration and winter management objectives necessitate more restrictive regulations to protect local, regional and/or state stocks of birds important to Kentucky's waterfowl hunters. The season on snow geese is shorter than the federal framework because migration patterns for this species result in a paucity of birds early in the federal framework. The Canada goose season in the Northeast Goose Zone is shorter than is permitted in the rest of the state because of the desire to maintain a huntable population in that region of the state.